

MAR 02 2009



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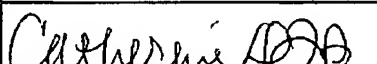
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MISC. FEE TRANSMITTAL <i>Patent fees are subject to annual revision.</i>		<i>Complete if Known</i>	
		Application Number	10/556,932
		Filing Date	November 16, 2005
		First Named Inventor	Minoru, et al
		Examiner Name	Deepak R. Rao
		Group Art Unit	1624
		Attorney Docket Number	BY0025P
TOTAL AMOUNT OF PAYMENT	\$200		

METHOD OF PAYMENT	
<input checked="" type="checkbox"/> Deposit Account	
Deposit Account Number	13-2755
Deposit Account Name	Merck & Co., Inc.
The Director is authorized to:	
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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	

FEE CALCULATION			
FEES			
Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1053	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1402	540	Filing a brief in support of an appeal	
1452	540	Petition to revive - unavoidable	
1453	1,620	Petition to revive - unintentional	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
1809	810	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	810	For each additional invention to be examined (37 CFR 1.129(b))	
1814	140	Statutory Terminal Disclaimer under 37 CFR 1.321	
Other fee (specify)		Filing for patent term adjustment under 1.18(e)	200
Other fee (specify)			
TOTAL			\$200

SUBMITTED BY				Complete (if applicable)	
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MINORU *et al.*

Serial No.: 10/556,932 Case No.: BY0025P

Art Unit:
1624

Filed: 11/16/2005

Examiner:
Rao, Deepak R.

Entitled: 2-AMINOQUINOLINE DERIVATIVES

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**APPLICATION FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT,**
UNDER 37 C.F.R. § 1.705

Dear Sir:

Applicants of the above-referenced patent request reconsideration of the patent term adjustment (PTA) indicated in the patent under 37 C.F.R. § 1.705. This application is being filed within two months of the February 3, 2009, issuance of the patent. On the face of the patent, the PTA is 529 days. Applicants believe that the patent should be awarded 604 days.

Statement of Facts:

1. The captioned patent application is a U.S. National Phase application filed under 35 U.S.C. § 371. The U.S. National Phase filing date is November 16, 2005.

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U.S.S.N. 10/556,932
Case No. BY0025P
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2. The Patent Office issued a Non-Final Rejection on June 24, 2008, 951 days after the filing date. The 14-month cut-off for purposes of calculating delay under 37 C.F.R. § 1.703(a)(1) is January 16, 2007. The calculation of delay as 525 days is correct for this initial period.
3. A response to the Non-Final Rejection, dated June 24, 2008, was filed July 14, 2008.
4. The Patent Office issued a Notice of Allowance November 18, 2008, four days after the four-month cut off for purposes of calculating delay. The calculation of delay of 4 days is correct.
5. The Issue Fee was received at the Patent Office December 15, 2008.
6. The application granted as U.S. Patent No. 7,485,647, February 3, 2009. This is 77 days beyond November 16, 2008, the three year anniversary of filing the present application.
7. November 17, 2008, and November 18, 2008, are within both the 77 day delay from the 3 year anniversary of filing the application, and within the 4 day delay beyond the 4 month deadline for issuing the Notice of Allowance.
8. The present application for reconsideration of the PTA is filed within two months of the February 3, 2009, issuance of the patent.
9. This patent is not subject to a terminal disclaimer.
10. There were no instances in which Applicants failed to respond to an Official Action within the prescribed time frame. Consequently, a fee as set forth in 37 C.F.R. § 1.18(f) and a showing of the use of "all due" care under 37 C.F.R. § 1.705(c)(2) are not required.

Arguments in Support of Petition

Applicants request that the PTA determination be corrected to include the days accrued pursuant to 37 C.F.R. § 1.702(b). The Patent Office delay under § 1.702(b) is occurring more than